



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

U.S. BANK NATIONAL
ASSOCIATION, et al.,

Plaintiffs,

v.

KAREN SUE NATHANSON HEAD
PELLETIER,

Defendant.

NO. CV 12-9525-UA (DUTYx)

**ORDER SUMMARILY
REMANDING IMPROPERLY
REMOVED ACTION**

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On December 10, 2012, Defendant, having been sued in an unlawful detainer action in California state court, lodged a first amended Notice of Removal ("Notice") of that action to this Court and also filed a request to proceed *in forma pauperis*. The Court has denied the latter request under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

1 On November 30, 2012, Defendant filed an answer to an unlawful detainer
2 complaint in the Santa Barbara County Superior Court. (Notice, Ex. A.) The
3 plaintiffs are John Shalhoob, Jr. and John Shalhoob, III. (*Id.*) Defendant does
4 not attach a copy of the unlawful detainer complaint to the Notice.

5 On August 15, 2012, Plaintiff filed an amended "Complaint for Rescission
6 and Cancellation of Written Instruments" against U.S. Bank and other
7 defendants. (*Id.*) The case number is 1397111, which is the same case number
8 on the Notice.

9 Plaintiff is thus attempting to remove her own case, the rescission case,
10 which is not legally permissible. See 28 U.S.C. § 1441(a).

11 In addition, Plaintiff could not have brought this action in federal court in the
12 first place in that the complaint does not competently allege facts supporting
13 jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a); see *Exxon*
14 *Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L.
15 Ed. 2d 502 (2005).

16 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
17 Superior Court of California, Santa Barbara County, Anacapa Division, 1100
18 Anacapa Street, Santa Barbara, CA 93101; and (2) the Clerk send a certified
19 copy of this Order to the state court.

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21
22 DATED: 1/16/13



GEORGE H. KING
United States District Judge